

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

**TERRY BUTTON and OSSIE BUTTON**

§  
§  
§  
§  
§  
§  
§  
§

**Plaintiffs,**

**VS.**

**Case No. 4:11cv536**

**CHUBB LLOYDS INSURANCE  
COMPANY OF TEXAS**

§  
§  
§  
§  
§  
§

**Defendant.**

**MEMORANDUM ADOPTING REPORT AND  
RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE**

Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On January 31, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendant Chubb Lloyds Insurance Company of Texas's Motion for Summary Judgment (Dkt. 55) be GRANTED as to Plaintiffs' claims of breach of common law duty of good faith and fair dealing and as to violations of the Texas Deceptive Trade Practices Act and unfair settlement practices under Article 541.060 of the Texas Insurance Code and be DENIED as to Plaintiffs' claims of breach of contract and failure to promptly pay under Article 542.060 of the Texas Insurance Code.

The court has made a *de novo* review of the objections raised by Defendant and is of the opinion that the findings and conclusions of the Magistrate Judge are correct and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendant Chubb Lloyds Insurance Company of Texas's Motion for Summary Judgment (Dkt. 55) is GRANTED as to Plaintiffs' claims of breach of common law duty of good faith and fair dealing and as to violations of the Texas Deceptive Trade Practices Act and unfair settlement practices under Article 541.060 of the Texas Insurance Code and be DENIED as to Plaintiffs' claims of breach of contract and failure to promptly pay under Article 542.060 of the Texas Insurance Code.

**IT IS SO ORDERED.**

**SIGNED this the 28th day of February, 2013.**

  
RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE